

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<b>DARLENE MARSHALL-LEE</b>	:	<b>CIVIL ACTION</b>
<i>Plaintiff</i>	:	
	:	<b>NO. 18-2333</b>
<b>v.</b>	:	
	:	
<b>U.S. DEPARTMENT OF VETERANS</b>	:	
<b>AFFAIRS</b>	:	
<i>Defendant</i>	:	

**O R D E R**

AND NOW, this 25<sup>th</sup> day of October 2018, upon consideration of the *motion to dismiss for lack of subject matter jurisdiction* filed by the United States of America, on behalf of Defendant U.S. Department of Veterans Affairs (“Defendant”), [ECF 4], to which no response has been filed, and the allegations contained in Plaintiff’s complaint, [ECF 1], it is hereby **ORDERED** that, for the reasons set forth in the accompanying Memorandum Opinion of this day, the Motion is **GRANTED**. It is further **ORDERED** that:

1. Only the United States of America is a proper defendant under the Federal Tort Claims Act (the “FTCA”), and, therefore, the U.S. Department of Veterans Affairs and all claims against it are **DISMISSED**;
2. The United States of America is **SUBSTITUTED** as the sole federal defendant for Plaintiff’s claims under the FTCA; and
3. The FTCA’s limited waiver of the United States’ sovereign immunity does not extend to Plaintiff’s claims against the United States, and, thus, those claims are **DISMISSED** for lack of subject matter jurisdiction.

**BY THE COURT:**

/s/ *Nitza I. Quiñones Alejandro*

**NITZA I. QUIÑONES ALEJANDRO**  
*Judge, United States District Court*